

## CIVIL DOCKET

## UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
DONALD G. BENNER, ROY PETERSON and JASON KOUMANOS		For plaintiff: Richard T. Sonberg 815 Thompson Building Tulsa, Okla 74103 (584-4421)					
VS							
EMPIRE RESOURCES INTERNATIONAL, INC., an Oklahoma Corporation, and WILLIAM H. Parish		For defendant: Gene L. Mortensen 300 McFarlin Building Tulsa, Oklahoma 74103 - for Wm. Parish					
STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.	
J.S. 5 mailed 6-1-73 10-1-73	Clerk		5-11-73	Sonberg	15 00		
			5-17-73	C.D.No.49		15 00	
J.S. 6 mailed 8-1-73 12-1-73	Marshal						
Basis of Action:	Docket fee						
Money damages for wrongful action in misappropriating funds	Witness fees						
Action arose at:	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-11-73	Complaint filed and summons issued. ds	
6-4-73	Application for enlargement of time until 6-20-73, for defendant, William H. Parish, filed. Order included, granting defendant until 6-20-73 to plead or answer, filed. (By Deputy) ds copy to pltf.	
6-20-73	Mtn. to Dismiss of Deft. William H. Parish, filed. jj	
6-20-73	Brief in Support of Deft's Mtn. to Dismiss, filed. jj	
6-22-73	Copy of letter dated 6-21-73 from F.D. to Sonberg, stating that Pltfs are to respond to deft Parish's Motion to Dismiss within 15 days (Due 7-6-73) filed. r	
6-28-73	Summons, ret. & filed: served Wm. H. Parish, 5-18-73, and David Carlock, Registered Agent, 6-28-73, Tulsa, Ok. (USM \$9.84)g	
7-2-73	Notice of Debtor to Take Deposition of William H. Parish, filed. jj of	
7-2-73	Notice/Deft.s to Take Deposition of Roy Peterson, filed. jj	
7-2-73	Notice of Defts. to Take Deposition of Jason Koumanos, filed. jj	
7-2-73	Notice of Defts. to Take Deposition of Donald G. Benner, filed. jj	
7-5-73	Motion by Plaintiffs for Protective Order against depositions filed. h	
7-5-73	Pltf's Brief in support of Motion for Protective Order, filed. h	
7-5-73	<del>It is ordered that defendants directed to respond to above motion within 10 days. (AEB-J)h letter mailed.</del>	
7-5-73	Brief of pltf. in <u>response</u> to def/ <sup>Parish</sup> mo/dismiss, filed. rm <i>mailed w/ file</i>	
7-9-73	Copy of ltr dated 7-6-73 from F.D. to Gene Mortensen, stating that defts are directed to respond to Motion for Protective Order w/sup- porting brief within 10 days (Due 7-16), filed. r	
7-16-73	Deft's Brief in Opposition to Pltfs' Mtn. for Protective Order, filed. jj	
7-17-73	Order, filed, that motion to dismiss of deft. William H. Parrish is overruled and that said deft. shall file answer within 15 days. (FD-J)hm (copies mailed)	
7-24-73	Voluntary <u>Dismissal</u> by Plaintiffs, without prejudice, filed and entered. v	
7-26-73	Order filed, denying Pltfs' Motion for Protective Order against depositions, (FD-J)r (Copies mailed)	
9-13-73	Motion for Default Judgment filed by Pltfs, filed. r	
9-13-73	Brief of Pltfs in support of Mtn for Default Judgment, filed. r	
9-24-73	Copy of ltr dated 9-21-73 from J.D. to Sonberg, regarding the dismissal of case Re: Rule 23.1 Fed. Rules, filed. r	

(cont)

D. C. 110A Rev. Civil Docket Continuation

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DATE	PROCEEDINGS	Date Order or Judgment Noted
10-2-73	Notice of hearing on Motion to Dismiss Shareholders derivative action, filed. r (Copies mailed to attys and all shareholders)	
10-2-73	Shareholders list for Empire Resources Internat'l Inc., filed. r	
10-2-73	Order setting Motion to Dismiss for Hearing on the 23rd day of October, 1973 at 9:30 A.M. filed. (FD-J)r (Copies mailed to attys and all shareholders)	
10-9-73	<u>Minute order</u> : Ordered that pltfs.' motion for default judgment filed herein on 9/13/73 is stricken in view of pltfs. previously filed voluntary dismissal of case. (FD-J)rm - ltr. written	
10-17-73	Statement of shareholder of def. Empire re dismissal, filed. rm	
10-18-73	Statement of shareholder, re dismissal (Benner), filed. rm	
10-19-73	Statement of shareholder, re dismissal (Koumanos), filed. rm	
10-23-73	Statement of shareholder, re dismissal (Peterson), filed. ds	
10-23-73	Case called for hearing on Motion to dismiss shareholders derivative action. Pltf. rep. by Richard Sonberg; def. rep. by Gene Mortensen. Statements made. Pltf.'s motion to dismiss without prejudice granted. Pltf. to prepare proper order. (FD-J)rm	
11-26-73	Order of dismissal without prejudice, filed and entered. (FD-J)rm <i>Copies mailed</i>	

DATE	PROCEEDINGS	Date Order or Judgment Noted